



DAE  
+C

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

Applicant: Xhenrong Qian

Application No: 10/082,996

Filing Date: February 26, 2002

Attorney Docket No: 30-4942 USA

Title: PREPARATION OF POLYARYL CARBOXYLIC  
ACIDS

Art Group: 1623

Examiner: N/A

**RECEIVED**

SEP 28 2004

**OFFICE OF PETITIONS**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 17, 2004.

  
Stephen J. Driscoll

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION FOR WITHDRAWAL OF ABANDONMENT,  
AND, ALTERNATIVELY,  
PETITION FOR REVIVAL**

**I WITHDRAW NOTICE OF ABANDONMENT**

Applicants hereby petition for the withdrawal of the Notice of Abandonment issued on June 17, 2004 in connection with the above-identified patent application. The Director is hereby authorized to charge any fees which may be required for this Petition or crediting any overpayment to Deposit Account No. 19-5425.

In summary, Applicant submit that the Notice of Abandonment should be withdrawn for the following alternative reasons: (1) Contrary to the Notice of Abandonment, a proper Reply to the Notice of Missing Parts issued March 26, 2002 was filed on September 20, 2002 along with a four-month extension of time; and (2) Rejecting the application because the

abstract was not on a separate page is extremely draconian under the circumstances since the applicants were not given an opportunity to reply to the Notice of Incomplete reply dated October 11, 2002 which issued more than six (6) months after the Notice to File Missing Parts.

**(1) Applicants Properly Replied to the Notice of Missing Parts  
of March 26, 2002**

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In response to the Notice of Missing Parts, applicants submitted a reply (herein “Reply”) which included not only the Declaration as requested, but also an amendment under 37 C.F.R. §1.111, adding an abstract. A copy of the Reply is submitted here as Exhibit A. As submitted, the amendment complied with 37 C.F.R. §1.121. Section 1.121 states in relevant part:

“Amendments to the specification other than the claims . . . may be made by submitting:

(i) an instruction, which unambiguously identifies the location, to delete one or more paragraphs of the specification, replace a deleted paragraph with one or more replacement paragraphs, or add one or more paragraphs;

(ii) any replacement or added paragraphs in clean form, that is, without markings to indicate that changes that have been made; and

(iii) another version of any replacement paragraphs, on one or more pages separate from the amendment, marked up to show all the changes relative to the previous version of the paragraphs . . . . A marked-up version does not have to be supplied for an added paragraph or a deleted paragraph as it is sufficient to state that a particular paragraph was added, or deleted.

Here, we gave clear instructions that a paragraph—i.e., the Abstract—should be added, and submitted that paragraph in “clean” form. Since we were adding the paragraph, there was no requirement to include a marked-up version. Thus, we met the requirements of Section 1.121. There is no requirement in Section 1.121 that the abstract be submitted on a separate sheet. Although such a requirement is set forth in 1.72(b), this regulation is directed at the content of the specification and not at the form of amendments being made to the

specification. Thus, Section 1.121 would seem to be controlling in these circumstances. Accordingly, since we have complied with the principal regulation governing amendments to the specification, we ask the Notice of abandonment and Notice of Incomplete reply be withdrawn and the application proceed to examination.

**(2) Rejecting an Application Because an Amendment Does not  
Comply with 37 C.F.R. §1.72(b) is Draconian**

By rejecting the amendment that was filed on September 20, 2002 in the reply to Notice to File Missing Parts, the PTO effectively rejected the application and rendered the application "abandoned." Specifically, by the time the Notice of Incomplete Reply of October 11, 2002 was issued, there was no opportunity to cure the alleged defect in the Reply since the time for responding to the Notice of Missing Parts expired on September 26, 2002. Shortly after the Notice of Incomplete Reply was received on October 16, 2002, Danielle Langdon, under my direction, contacted the PTO to determine what action, if any could be taken, since the application was abandoned technically. The PTO replied that the application had not gone abandoned and that no response was necessary. About six months later, Ms. Langdon again checked the status of the application and again was informed that the application was fine. A memorandum detailing these telephone calls is attached hereto as Appendix C<sup>1</sup>. Therefore, since there was nothing the Applicants could do in response to the Notice of Incomplete Reply and since we were assured by the PTO that there was no problem, we submit that holding the application to be abandoned at this point is an extremely harsh, draconian measure. Accordingly, Applicants ask that the rule of reason be followed and that the Notice of Abandonment be withdrawn and the application reinstated immediately. To facilitate this, Applicants are attaching hereto as Exhibit B an abstract on a separate page.

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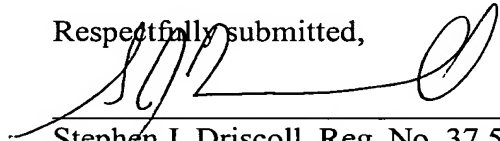
<sup>1</sup>Unfortunately, the note which memorialized these telephone calls cannot be located.

Applicants: Qian et al.  
Application No. 10/082,996  
Page 4

**II. REVIVE APPLICATION UNDER 37 C.F.R. §1.137(B)**

In the event the Commissioner does not find the arguments above persuasive, applicants hereby petition, in the alternative, to revive the application for unintentional abandonment under 37 C.F.R. §1.137(b). If the Commissioner deems such a petition is required, Applicants respectfully request that the difference between the petition fee under 37 C.F.R. 1.137(b) and the fee for the fourth-month extension of time (\$1,440) which was paid pursuant to filing the Reply, be credited to Deposit Account No. 01-1125.

Respectfully submitted,



Stephen J. Driscoll, Reg. No. 37,564  
SYNNESTVEDT & LECHNER LLP  
1101 Market Street  
2600 Aramark Tower  
Philadelphia, PA 19107-2950  
Tele: (215) 923-4466  
Fax: (215) 923-2189

SJD:pmf

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Zhenrong Qian, Heng Eric Su, Lee Alan DeWitt

Serial No.: 10/082,996

Group Art Unit: 1623

Filed: February 26, 2002

Examiner: N/A

For: PREPARATION OF POLYARYL CARBOXYLIC ACID

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

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SEP 28 2004

Response to Notice to File Missing Parts

OFFICE OF PETITIONS

In response to the Notice to File Missing Parts of Nonprovisional Application –  
mailed March 26, 2002, please find the following:

1. A copy of the Notice to File Missing Parts of Nonprovisional Application;
2. A petition for a four-month extension of time;
3. A fully-executed Declaration for Patent Application; and
4. An amendment adding an abstract.

Please charge \$130.00 to Deposit Account No. 01-1125 in accordance with 37 C.F.R. 1.16(e).

## CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence (along with any papers referred to as being attached or enclosed) is, on the date shown below, being:

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

☐ transmitted by facsimile to the Patent and Trademark Office.

Date: 9/20/02

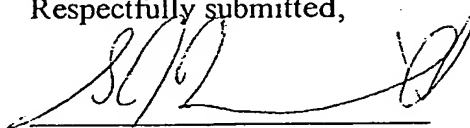
Signature

Ingrid Clark

(type or print name of person certifying)

Please charge any additional fees or credit any over-payment in this matter to Deposit  
Account No. 01-1125. A triplicate copy of this sheet is enclosed.

Respectfully submitted,



Steve Driscoll  
Attorney for Applicants  
Reg. No.: 37,564

Date: 5/19/2002

Honeywell International Inc.  
101 Columbia Road  
P.O. Box 2245  
Morristown, NJ 07962  
Tel. (973) 455-2013  
Fax (973) 455-6199



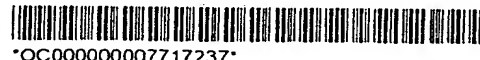
UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/082,996	02/26/2002	Zhenrong Qian	P24,583-A USA

CONFIRMATION NO. 7036

FORMALITIES LETTER



\*OC000000007717237\*

Synnestvedt & Lechner LLP  
2600 Aramark Tower  
1101 Market Street  
Philadelphia, PA 19107-2950

Date Mailed: 03/26/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

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SEP 28 2004

OFFICE OF PETITIONS

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract was not provided for this application. An abstract of the technical disclosure is required under 37 CFR 1.72(b).

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Zhenrong Qian, et al.

Serial No: 10/082,996

Filed: February 26, 2002

P.D. File No.: 30-4942 USA

For: PREPARATION OF POLYARYL CARBOXYLIC ACID



Group Art Unit: 1623

Examiner: N/A

September 13, 2002

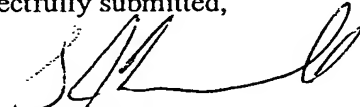
Assistant Commissioner of Patents  
Washington, D.C. 20231

PETITION FOR EXTENSION OF TIME

The undersigned petitions for an extension of time of 4 months under 37 CFR §1.136.  
Please charge the \$1,440.00 fee under 37 CFR §1.17 to Deposit Account No.: 01-1125.

Please charge any additional fees or credit any over-payment in this matter to Deposit  
Account No.: 01-1125. A triplicate copy of this sheet is enclosed.

Respectfully submitted,

  
By: Steve Driscoll  
Attorney for Applicant  
Registration No. 37,564

Honeywell International Inc.  
Law Department  
101 Columbia Road  
P.O. Box 2245  
Morristown, NJ 07962  
Telephone: 973-455-2013  
Fax: 973-455-6199





Attorney's Docket No.: 30-4942 USA (4421)

**DECLARATION FOR PATENT APPLICATION  
SOLE OR JOINT**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention titled:

**PREPARATION OF POLYARYL CARBOXYLIC ACID**

the specification of which was filed on February 26, 2002 and assigned Serial No. 10/082,996

I HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS.

I ACKNOWLEDGE THE DUTY TO DISCLOSE ALL INFORMATION KNOWN TO ME TO BE MATERIAL TO PATENTABILITY IN ACCORDANCE WITH TITLE 37, CODE OF FEDERAL REGULATIONS, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**Prior Foreign Application(s)**

Priority Claimed

☐☐

Yes

No

(Number)

(Country)

(Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below:

60/271,559

2/26/2001

☒☐

Yes

No

(Number)

(Day/Month/Year Filed)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States applications listed below and, INsofar AS THE SUBJECT MATTER OF EACH OF THE CLAIMS OF THIS APPLICATION IS NOT DISCLOSED IN THE PRIOR UNITED STATES APPLICATION IN THE MANNER PROVIDED BY THE FIRST PARAGRAPH OF TITLE 35, UNITED STATES CODE, §112, I ACKNOWLEDGE THE DUTY TO DISCLOSE MATERIAL INFORMATION AS DEFINED IN TITLE 37, CODE OF FEDERAL REGULATIONS, §1.56(a) WHICH OCCURRED BETWEEN THE FILING DATE OF THE PRIOR APPLICATION AND THE NATIONAL OR PCT INTERNATIONAL FILING DATE OF THIS APPLICATION:

(Application Serial Number)

(Filing Date)

(STATUS: Patented, Pending, Abandoned)

(Application Serial Number)

(Filing Date)

(STATUS: Patented, Pending, Abandoned)

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected herewith (List name and registration number).

(LIST SENIOR PATENT COUNSEL AND ATTORNEY HANDLING CASE WITH PATENT OFFICE REGISTRATION NUMBERS.)

Colleen Szuch

Deborah Chess

Name

Name

Name

32,126

44,611

Registration Number

Registration Number

Registration Number

SEND CORRESPONDENCE TO:

Colleen Szuch

Honeywell International Inc.

101 Columbia Road

Morristown, New Jersey 07962-2245

DIRECT TELEPHONE CALLS TO:

Colleen Szuch

Tel.: (973) 455-2857

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OFFICE OF PETITIONS

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## DECLARATION FOR PATENT APPLICATION—SOLE OR JOINT (Continued)

Attorney's Docket No.: 30-4942 USA (4421) Page 2

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF SOLE OR FIRST INVENTOR Zhenrong QianINVENTOR'S SIGNATURE [Signature]Date 8/28/02RESIDENCE 817 Brown Road, Bridgewater, NJ 08807CITIZENSHIP CHINA

POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF SECOND JOINT INVENTOR Heng Eric SuINVENTOR'S SIGNATURE [Signature]

Date \_\_\_\_\_

RESIDENCE 9 Inverness Drive, Marlboro, NJ 07749CITIZENSHIP USA

POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF THIRD JOINT INVENTOR Lee Alan DeWittINVENTOR'S SIGNATURE [Signature]Date 7/30/02RESIDENCE 1903 Oak Squire Lane, Howell, MI 48843CITIZENSHIP USA

POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF FOURTH JOINT INVENTOR \_\_\_\_\_

INVENTOR'S SIGNATURE \_\_\_\_\_

Date \_\_\_\_\_

RESIDENCE \_\_\_\_\_

CITIZENSHIP \_\_\_\_\_

POST OFFICE ADDRESS \_\_\_\_\_

FULL NAME OF FIFTH JOINT INVENTOR \_\_\_\_\_

INVENTOR'S SIGNATURE \_\_\_\_\_

Date \_\_\_\_\_

RESIDENCE \_\_\_\_\_

CITIZENSHIP \_\_\_\_\_

POST OFFICE ADDRESS \_\_\_\_\_

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## DECLARATION FOR PATENT APPLICATION—SOLE OR JOINT (Continued)

Attorney's Docket No.: 30-4942 USA (4421) Page 2

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF SOLE OR FIRST INVENTOR

Zhenrong Qian

INVENTOR'S SIGNATURE

RESIDENCE 44 Center Grove Road, Apt. T-30, Randolph, NJ 07869

Date

CITIZENSHIP CHINA

POST OFFICE ADDRESS

FULL NAME OF SECOND JOINT INVENTOR

Heng Eric Su

INVENTOR'S SIGNATURE

RESIDENCE 9 Inverness Drive, Marlboro, NJ 07749

Date

July 15, 2002CITIZENSHIP USA

POST OFFICE ADDRESS

FULL NAME OF THIRD JOINT INVENTOR

Lee Alan DeWitt

INVENTOR'S SIGNATURE

RESIDENCE 1903 Oak Squire Lane, Howell, MI 48843

Date

CITIZENSHIP USA

POST OFFICE ADDRESS

FULL NAME OF FOURTH JOINT INVENTOR

INVENTOR'S SIGNATURE

RESIDENCE

Date

CITIZENSHIP

POST OFFICE ADDRESS

FULL NAME OF FIFTH JOINT INVENTOR

INVENTOR'S SIGNATURE

RESIDENCE

Date

CITIZENSHIP

POST OFFICE ADDRESS

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Zhenrong Qian, Heng Eric Su, Lee Alan DeWitt

Serial No. 10/082,996

Group Art Unit: 1623

Filed: February 26, 2002

Examiner: N/A

For: PREPARATION OF POLYARYL CARBOXYLIC ACID

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

This amendment is being filed in response to the Notice to File Missing Parts issued March 26, 2002.

## Amendment Under 37 CFR 1.111

Please add the following Abstract:

## --ABSTRACT

A method for the preparation of an polyaromatic carboxylic acid compound and/or salt thereof comprising reacting an aromatic boronic acid with a halo-substituted, aromatic carboxylic acid compound and/or salt thereof.---

Respectfully submitted,

Honeywell International Inc.  
101 Columbia Road  
P.O. Box 2245  
Morristown, NJ 07962  
Tel. (973) 455-2013  
Fax (973) 455-6199

Steve Driscoll  
Attorney for Applicants  
Reg. No.: 37,564

Date: 9/19/02

## CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

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☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

☐ transmitted by facsimile to the Patent and Trademark Office.

Date: 9/20/02

Signature

Ingrid Clark

(type or print name of person certifying)



MEMORANDUM

**TO:** S&L File No. P24,583-A USA  
**FROM:** DL  
**DATE:** September 1, 2004  
**RE:** Telephone call to PTO

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Although I can not locate a record of this I can recall contacting the PTO to determine the status of this application shortly after receiving the Notice of Incomplete Reply dated October 11, 2002. I was told that the patent had not gone abandoned and that essentially everything was fine. I was told that there was no response necessary on our part. I then checked again maybe six months later or so and again there was no apparent problem. At that point we decided no action was necessary. I do recall writing the above details on a post it note and taking the file into SJD's office to discuss my findings with him although we can not locate it at this time.